



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/591,713

09/06/2006

Masachika Kamiya

07481.0050

3141

22852 7590 10/08/2008
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,713	Applicant(s) KAMIYA, MASACHIKA	
	Examiner BARRY J. GOODEN JR	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/6/06 & 2/13/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Weber, US Patent 5,574,315.

In regards to claim 1, Weber discloses all of the claimed elements including an opening/closing controlling apparatus for performing an automatic opening/closing control of an opening/closing object mounted on a vehicle comprising:

automatic opening/closing means for automatically opening/closing the opening/closing object (Reference is made to Column 2, line 64 - Column 3, line 16);

collision detecting means (20) for detecting a collision of the vehicle;

time measuring means (CPU clock) for measuring a time from a time when the collision detecting means detects the collision of the vehicle; and

opening/closing controlling means (electrical signals to actuators) for prohibiting automatic opening/closing of the opening/closing object from the time of the collision of the vehicle and for permitting the automatic opening/closing by the automatic opening/closing means after passage of a predetermined time since the collision (Reference is made to Figures 1-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Aiyama et al., US Publication 2004/0124027.

In regards to claims 2-5 and 8-11, Weber discloses all of the claimed elements including the opening/closing object being a vehicle window, yet excluding a second timer.

Aiyama et al. has a timer in addition to the CPU clock. Aiyama also tracks two separate time periods (Reference is made to Figure 5) utilized to operate the lock/unlock system so as to maximize the safety of the passenger.

Further, Examiner notes that it is known in the art to provide redundant systems particularly electronic and electrical control systems so as to ensure proper functioning under most situations. An example of this is redundant crash sensors to ensure that the acceleration, vibration or attitude changes are detected properly.

It would have been obvious to have provided Weber with two or more time measuring circuits to enable a redundancy or track two time periods in parallel yet independently and utilize the time period to control the operation of the opening/closing means so as maximize the safety of the vehicle occupants ensuring that they will not be prematurely ejected nor will they be held captive.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Aiyama et al. as applied to claims 3 and 4 above, and further in view of Tsai, US Patent 5,469,138.

In regards to claims 6 and 7, Weber in view of Aiyama et al. discloses all of the claimed element excluding the opening/closing object being an automatic door.

Tsai discloses an automatic door opening mechanism actuated some time after a collision or other dangerous situation is detected.

It would have been obvious to one of ordinary skill in the art at the time of invention to have provided the controlling apparatus of Weber and Aiyama et al. in view of the teachings of Tsai with an automatic door opening mechanism so as to provide ingress/egress from the vehicle without the need of occupant actuation, thus increasing the likelihood of an occupant escaping a dangerous situation.

Examiner notes that Tsai also teaches of a redundant system to provide power to the ingress/egress means in the situation that the ignition is inactive. Further illustrating the commonplace redundancy serves in automotive design.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3616

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARRY J. GOODEN JR whose telephone number is (571)272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG